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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/653,996  | 09/04/2003  | Paul S. Zerwekh      | 120602-1            | 4582             |
| 29626   | 7590        | 08/30/2005           | EXAMINER            |                  |
| THE H.T. THAN LAW GROUP<br>1010 WISCONSIN AVENUE NW SUITE 580<br>WASHINGTON, DC 20007 |             |                      |                     | NOORI, MAX H     |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2855                |                  |

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                       |                  |
|------------------------------|-----------------------|------------------|
| <b>Office Action Summary</b> | Application No.       | Applicant(s)     |
|                              | 10/653,996            | ZERWEKH ET AL.   |
|                              | Examiner<br>Max Noori | Art Unit<br>2855 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 May 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 11-15 and 21 is/are allowed.
- 6) Claim(s) 1,2,4-6,8-10,16,17 and 22 is/are rejected.
- 7) Claim(s) 3,7,18,19 and 23-26 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-6, 8-10, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith.

Regarding claim 1, 9, 22, Smith discloses an optical sensor comprising a pair of optical fiber, the pressure sensor and a temperature sensor are connected to a sensing leg made and are made of various materials. Each leg having a reflective end, all the elements are bonded to a housing (see claim 1).

Regarding claims 2, 4, each leg has a reflective end (see claim 1).

Regarding claim 5, the fibers are within a cavity in a housing.

Regarding claim 6, the pressure is sensed by the changing the length of one of the fiber.

Regarding claims 8, 10, the temperature is sensed by the changing the length of one of the fibers.

3. Claims 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernald et al. Fernald et al., discloses an optical differential pressure sensor with a first and second pressure sensor and indication of more than one temperature sensor located in a cavity of a tube. (see claims 6 and 18-20).

Art Unit: 2855

4. Claims 3, 7, 18-19, 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 11-15 and 20-21 are allowed over the prior art of the record.

*Response to Amendment*

6. Applicant's amendment and arguments filed 5/23/05 have been fully considered but they are moot in view of the new ground of rejection. 2

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Max H. Noori whose telephone number is (571) 272-2185. The examiner can normally be reached on Tuesday-Friday from 8:00 AM to 6:00 PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The central fax number is (703) 827-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHN  
Wednesday, August 24, 2005



MAX NOORI  
PRIMARY EXAMINER